

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-090401

11/21/2012

JUDGE PRO TEM WENDY S. MORTON
FOR COMMISSIONER JAIME HOLGUIN

CLERK OF THE COURT
R. Hillman
Deputy

IV-D ATLAS NO. 000565547100
STATE OF ARIZONA, EX REL, DES
JUSTIN MICHAEL WELCH

JUSTIN MICHAEL WELCH
1746 S YALE
MESA AZ 85204

AND

APRIL LEANN OWENS

GORDON S BUELER

AG-CHILD SUPPORT-EAST VALLEY
OFFICE
FAMILY COURT SERVICES-CCC

IV-D HEARING ON MODIFICATION
REVIEW HEARING SET

Courtroom 305-SEA

Prior to the commencement of today's hearing, Justin Welch is sworn.

10:39 a.m. This is the time set for hearing re: Petitioner/Father's *Petition to Modify Child Support "Simplified Process"*, filed July 13, 2012 and Respondent/Mother's Response thereto filed August 1, 2012. Petitioner/Father, Justin Welch (hereinafter referred to as "Father"), is present on his own behalf. Respondent/Mother, April Owens (hereinafter referred to as "Mother"), is not present but is represented by above-named counsel, appearing telephonically. The State is represented by Assistant Attorney General, Jennifer Mihalovich.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

LET THE RECORD REFLECT the parties met informally with the Attorney General's Office prior to the commencement of today's hearing for a pre-hearing conference.

Discussion ensues regarding the telephonic appearance of Counsel for Mother who had a scheduling error and is out of town. Mother is out of the country. As the parties have an agreement, Father and the State have no objection to Counsel for Mother appearing telephonically; therefore,

IT IS ORDERED allowing Counsel for Mother to appear telephonically on behalf of his client.

Counsel for the State provides the Court with proposed child support worksheet(s) for review and consideration.

Counsel for the State advises the Court of the status of the case and the State's position and recommendations. The State represents that the issues are a modification and judgment.

Discussion ensues regarding the arrearage calculation.

The Court states the parties' agreement on the record.

Based upon the agreement of the parties,

THE COURT FINDS the parties have entered into an agreement effective August 1, 2012.

THE COURT FURTHER FINDS that there is a continuing and substantial change in the circumstances of the parties warranting modification of the child support amount.

Pursuant to the testimony and agreement of the parties, and the Child Support Guideline Worksheet(s) attached to the Judgment and Order filed herein,

IT IS ORDERED that Father shall pay the sum of \$488.00, plus \$5.00 Clearinghouse fee, as and for current child support commencing August 1, 2012, and continuing on the same day of each month thereafter. Said amount is to be paid through the Support Payment Clearinghouse by Income Withholding Order.

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IT IS FURTHER ORDERED that Father shall pay to Mother the sum of **\$175.00** per month as and for child support arrears, payable through the Support Payment Clearinghouse by Income Withholding Order, commencing August 1, 2012, until the arrears are satisfied in full or until further order of the Court.

IT IS FURTHER ORDERED that Mother shall continue to provide and maintain medical insurance for the minor child(ren).

IT IS FURTHER ORDERED that all healthcare expenses incurred for the health and protection of the minor child(ren) not covered by insurance shall be paid 25% by Mother and 75% by Father.

IT IS FURTHER ORDERED that Father shall be entitled to utilize the federal tax exemption applicable to the parties' minor child(ren) for all federal and state income tax purposes in three out of every four years beginning in 2012; and Mother shall be entitled to utilize the federal tax exemption in one out of every four years. **Father's ability to claim the child(ren) for tax purposes will be dependent upon him having paid in full all current support and all Court ordered arrearage payments due for the calendar year by December 31 (or if by wage assignment, by January 15, of the following year).**

IT IS FURTHER ORDERED setting this matter for Review Hearing on **March 20, 2013, at 8:00 a.m.**, in this Division before Commissioner Holguin, for the purpose of reviewing Father's child support arrears and entering a judgment. The parties are to check in with the Assistant Attorney General for a pre-hearing conference at the following location:

**Maricopa County Superior Court
Southeast Court Facility
Outside of Courtroom 305
222 E. Javelina Ave.
Mesa, AZ 85210-6201**

IN THE EVENT FATHER FAILS TO APPEAR FOR THE HEARING ON THE ABOVE-STATED TIME, A CHILD SUPPORT ARREST WARRANT MAY BE ISSUED AND/OR DEFAULT JUDGMENT ENTERED.

IT IS FURTHER ORDERED directing the State to provide the Court with an updated arrearage calculation and payment history, based upon the Clerk of the Court and Support Payment Clearinghouse records.

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The Court's further findings and orders are as contained in the formal written *Modification and Enforcement Judgment and Order* signed by the Court on November 21, 2012, and filed (entered) by the clerk on November 21, 2012.

10:50 a.m. Matter concludes.

FILED: Modification and Enforcement Judgment and Order
Current Employer Information form

LATER:

LET THE RECORD REFLECT the courtroom clerk has updated Father's current employer information in ICIS as reflected on the *Current Employer Information* form filed this date.

LET THE RECORD FURTHER REFLECT an Income Withholding Order is initiated electronically by the above-named deputy clerk. Confirmation #386609.

Until the Income Withholding Order becomes effective, it is the responsibility of the party obligated to pay support/maintenance to pay the support to **Support Payment Clearinghouse, P. O. Box 52107, Phoenix, Arizona 85072-2107**. The payment should show the case number and/or ATLAS case number and the name of the party paying support and the name of the party who will receive the payment.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change (A.R.S. 25-322(C)). Failure to notify the Clerk's Office of any change may be considered contempt of Court.

Obligor is personally responsible for the timely payment of support as well as the \$5.00 monthly handling fee. At any time an employer and/or payor is not paying pursuant to the Income Withholding Order, Obligor must make timely payment of support and fees directly to the Support Payment Clearinghouse. Failure to make timely payment of support may result in a finding of contempt which may result in sanctions, including incarceration.

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PLEASE NOTE: This Court utilizes a digital audio recording system to preserve the official record of proceedings. All parties requesting to purchase a copy of a CD of a hearing in a courtroom are directed to call **605-506-7100 (leave details on voice mail)** or **email** your request to: ers@superiorcourt.maricopa.gov.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.